

REMARKS

Applicant respectfully traverses the rejection of claims 1-21 under 35 U.S.C. 102(b) over US 5,552,995 to Sebastian ("Sebastian"). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a prior art reference. See M.P.E.P. § 2131. As recited in the present claims, e.g. amended independent claims 1, 2, 7, 9, 11-15, and 17-20, among other things, a shape model comprises a first reference surface, a combined shape model comprises a second reference surface, and a corresponding surface group is created to determine if there are errors in the combined shape model that are caused by the second reference surface. In contrast, Sebastian does not disclose or suggest a shape model comprising a first reference surface, a combined shape model comprising a second reference surface, and a control section configured to create a corresponding surface group to determine if there are errors in the combined shape model arising from the second reference surface. This claim language is supported at least in pg. 2, l. 28 to pg. 3, l. 9, pg. 26, ll. 9-24, pg. 27, l. 26 to pg. 28, l. 7 and Figs. 8A and 8B of the as-filed specification, and does not constitute new matter. Instead, Sebastian discloses that a structure can be defined by reference to existing templates, but does not suggest that the structure may include a different reference surface from the existing templates or a control section configured to determine if there are errors in the structure arising from the difference reference surface. Sebastian, therefore, does not disclose each and every element set forth in amended independent claims 1, 2, 7, 9, 11-15, and 17-20, and at least for this reason, this reference does not anticipate either claims 1, 2, 7, 9, 11-15, and 17-20, or their corresponding dependent claims 3-6, 8, 10, 16 and 21.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-21 in condition for allowance. Applicant submits that the proposed amendments of claims 1, 2, 7, 9, 11-15, and 17-20 do not raise new issues nor necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.


In view of the above amendments and remarks, Applicant requests reconsideration and allowance of claims 1-21.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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Dated: March 31, 2009

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